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AN

ACCOUNT

OF THE

TRYAL

OF

Charles Bateman, Chirurgeon,

FOR

High-Treason,

IN CONSPIRING

The Death of the late King

And the Subversion of the Government, &c.
Who was Tryed and found Guilty, at *Justice-Hall* in the *Old Bayly*, on the 9th. of *December*, 1685.

THE

TRYALS

OF

John Holland and *William Davis*,

For Conspiring against, violently Assaulting, and without any warrantable Cause, Imprisoning *William Chancey*, Citizen and Mercer of *London*; to extort a Sum of Money from him; who were Tryed and found Guilty at *Justice-Hall* in the *Old-Bayly*, on the 10th. of *December*, 1685.

As also the Tryals of *John Holland*, *William Davis*, and *Agnes Wearing*, for a Notorious Burglary and Felony, Committed in the House of *Leonel Gafford*, a Minister in *Lime-street*, *London*, and stealing Plate, Money and Rings, to the value of 300 *l.* who were Tryed and found Guilty, at *Justice-Hall* in the *Old-Bayly*, on the 11th of *December*. 1685.

LONDON, Printed by *E. Mallet*, MDCLXXXV.

JOURNAL

THE

TRYAL

OF

Charles Bateman Chirurgeon,

FOR

High-Treaſon:

And *John Holland*, *William Davis*, and *Agnes Wearing*, for a Notorious Felony and Burglary.

THE *Seſſions* of Peace, *Oyer* and *Terminer*, and Goal Delivery of *Newgate*, for the City of *London* and County of *Middleſex*; beginning at *Juſtice Hall* in the *Old Bayly*, on the 9*th*. of *December*, 1685. *Charles Bateman*, againſt whom, an Indictment of *High-Treaſon* had been found, for Conſpiring the Death of the late King, *&c.* was brought in the Cuſtody of the Keeper of *Newgate* in order to his Arraignment; and being ordered to hold up his hand, he deſired that he might firſt ſay ſomething for himſelf, in order to put off his Tryal, but was told by Mr. *Recorder*, he muſt plead before he could be heard; whereupon deſiring to know whether he might have the ſame advantage after his pleading as before, as to gain longer time for his Tryal, and being anſwered he might, he held up his hand, and then the Indictment was read:

Mr. *Bateman* pleaded not Guilty, and deſired his Tryal might be put off, ſaying, *He was not prepared to make his Defence*, and therefore prayed a longer time, ſaying, *He had been cloſe Priſoner for the ſpace of ten VVeeks, and was over and above very much indiſpoſed*; and further alledged, *he had had no Notice nor any Pannel of the* Jury; as for notice of Tryal, he was anſwered, that it was not uſual to give any in that Court, but that he ought to have expected it, and prepared for it accordingly, and as for the Pannel it was not denyed him; then he prayed a Coppy of the Indictment, but was told it could not be allowed; and upon his further alledging his unpreparedneſs and no notice of Tryal, and the like, the King's Council urged that he had opportunity enough to take notice of his Tryal, for that it was upon an Indictment of the precedent *Seſſions*: Then he asked what time he might have between his Arraignment and Tryal, and was anſwered, as much as would ſtand with the conveniency of the Court; and after ſeveral hours

Reſpite, he a ſecond time was brought to the Bar, and then upon his humble requeſt, Pen, Ink, and Paper was allowed him and his Son to aſſiſt him ; and then were ſworn to try the Iſſue,

Richard Aley Eſq;	*Edward Rhediſh*
Richard Williams	*George Lilburn.*
John Cannum	*Daniel Fouls*
Patrick Barret	*Peter Floyer*
John Palmer	*Lawrence Cole*
James Raynor.	*John Cooper.*

And he making no exceptions to them, then the Indictment was read.

The Jurors, *&c.*

THAT Charles Bateman, *late of the Pariſh of St.* Dunſtans *in the* Weſt, *in the Ward of Farringdon without,* Lond. *Chirurgeon, as a falſe Traytor, againſt the moſt Illuſtrious and Excellent Prince,* Charles *the Second; late King of* England, Scotland, France *and* Ireland, *Defender of the Faith, and his Natural Lord; not having the fear of God in his Heart, nor weighing the Duty of his Allegience; but being moved and ſeduced by the inſtigation of the Devil, the Cordial Love, and true Due and Natural Obedience, which a true and Faithful Subject of our late Lord the King, towards him ſhould, and of Right, ought to bear, altogether withdrawing and Practiſing, and with all his ſtrength, intending the Peace and common Tranquillity of this Kingdom, to diſquiet, and diſturb, and War and Rebellion againſt our late Lord the King, within this Kingdom to ſtir up, move, and procure, and the Government of our late Lord the King, of this Kingdom to ſubvert, and our ſaid late Lord the King, from the Stile, Title, Honour, and Kingly Name, of the Imperial Crown of this Kingdom, to depoſe and deprive, and our ſaid late Lord the King, to Death and final Deſtruction to bring and put, the* 30th. *Day of* May, *in the* 35*th Year of his Reign, and divers other days and times, as well before as afterwards, at the Pariſh and Ward aforeſaid, Falſely, Maliciouſly, Deviliſhly, and Traytorouſly, with divers other Rebels and Traytors to the* Jurors *unkown, did Conſpire, Compaſs, imagine, and intend our ſaid late Lord the King, then his Supream and Natural Lord; not only of his Kingly State, Title, Power, and Government of his Kingdom of* England, *to deprive and depoſe, but alſo our ſaid late Lord the King, to kill, and to Death, to bring and put, and the Antient Government of this Kingdom, to change, alter, and ſubvert; and a miſerable Slaughter amongſt the Subjects of our ſaid late Lord the King, to cauſe and procure, and Inſurrection and Rebellion, againſt our ſaid late Lord the King, to procure, and aſſiſt, and the ſame moſt Wicked, Treaſons and Traytorous Conſpiracies, Compaſſings, Imaginations and Purpoſes aforeſaid to effect, and bring to paſs. He the ſaid* Charles Bateman, *as a falſe Traytor, then and there, (to wit) the ſaid* 30th. *Day of* May, *in the* 35*th Year aforeſaid, and divers other days and times, as well before as afterwards; at the Pariſh and Ward aforeſaid, Falſely, Unlawfully, moſt Wickedly, and Traytorouſly, Did promiſe and undertake to the ſaid other falſe Rebells and Traytors then and there being preſent:* That *He the ſaid* Charles

Charles Bateman, *would be assisting and aiding, in the taking and Apprehending the Person of our said late Lord the King, and in taking and seizing the* City *of* London, *and the* Tower *of* London, *the* Savoy, *and the* Royal Pallace *of* White-Hall, *against the Duty of his Allegience, against the Peace,* &c. *and against the form of the Statute, in this Case made and provided,* &c.

Mr. *Phips*, Council for the King opened the Nature of it, and was seconded by Mr, *Serjeant Selby* and Mr. *Charles Moloy*, after which, Mr. *Josias Keeling* was sworn, whose Evidence was, that he had been at divers meetings and Consults, where the methods had been proposed for the purposes aforesaid, and more particular one time with *Rumbold* the *Maltster*, since Executed for *High-Treason*, and that then, three Papers were produced by *Rumbold* and opened, containing the Moddel of the Design, to divide the City into Twenty Parts, and to raise Five Hundred men in each Part, to be under one Chief, and Nine or Ten Subordinates whom he should appoint, the Names of the Lanes and Streets of each Division being likewise inserted therein; and at that time *Rumbold* proposed the Business of the *Rye House*, saying, *He had a House very convenient to plant men in, to seize the King in his return from Newmarket*, but that he somewhat boggled about the Killing the Postillion, which had been proposed the better to stop the Coach, because it looked too much like an Exploit in cold Blood: He further deposed, that he had been at divers other places where it had been discoursed to the same effect, and that Mr. *Bateman* was looked upon as a Person fiting to manage one Division in order to an Insurrection, to seize the *Tower*, *City*, &c. This being the Sum of Mr. *Keeling*'s Evidence; Mr. *Bateman* said, that what he had sworn, did not affect or charge any Treason upon him; and was answered by the Court that it did not, and bid the Jury take notice, that what Mr. *Keeling* had sworn, was only to the Conspiracie in General, and did not affect the Prisoner in particular.

Then *Thomas Lee* was sworn, and gave Evidence, that he being made acquainted with the Design by Mr. *Goodenough*, *&c.* and how the City was to be divided into Twenty Parts and mannaged; and being asked who was a fit man to mannage one Part, he nominated Mr. *Bateman*, and thereupon was desired to go to him, and speak with him about it as from Mr. *Goodenough*; and when he came to discourse him about that affair, he apprehended very plainly, that he was no stranger to it nor boggled to give his assent, and seemed much desirous to speak with Mr. *Goodenough* about it: That he likewise went one day to the late Duke of *Monmouth*'s House with Mr. *Bateman*; and Mr. *Bateman*, after he had had some Discourse with one of the Duke's Servants, came to him and told him, the Duke was willing to ingage in the Business, and assur'd him, that he had divers Horses kept in the Country, to be in a readiness when matters should come to Extremity; and from thence he went with him to the *King*'s-*Head-Tavern*, and there had discourse to the same effect; and from thence, they came to the *Devil-Tavern* within *Temple-Bar*, where Mr. *Bateman* proposed the seizing the *City*, *Tower*, *Savoy*, *White-Hall*, and the Person of the late King, and promised not to be wanting therein. At another time, he met him at the *Half-Moon Tavern* in *Aldersgate-street*, where discoursing about the Condition th-

Conſpirators were in. As to the intended Inſurrection, he ſaid, *If he could but ſee a Cloud as big as a man's hand, he would not be wanting to Employ his Intereſt*, and that there were other Diſcourſes tending to the Inſurrection, but were broke off by the coming in of one *John Allmeger*, before whom, Mr. *Bateman* would not diſcourſe, becauſe he knew not of his coming.

Mr. *Lee* being asked the Deſign of that meeting, replyed it was upon the Account of carrying on the Conſpiracie, and that Mr. *Bateman* had told him, that he intended to take a houſe near the *Tower*, to place men in, in order to ſurprize it, and that he had held divers Conferences with ſome Sea Captains on that affair; and that he had been with them at *Coffee-Houſes*, &c. at ſundry other times, but there to prevent Diſcovery, they ſpoke of the Deſign at a great diſtance.

To this Evidence, Mr. *Bateman* objected that if he had been conſcous of what was laid to his Charge he was fit for *Bedlam*, ſaying, *He wonder'd if he had heard him ſpeak ſuch words, he had not accuſed him ſooner*; but was anſwered, that Mr. *Goodenough* was not to be had till after the Rebellion in the *Weſt*; and that *Lee*'s ſingle Teſtimony in Caſe of *High-Treaſon* in ſo high a Nature, was not ſufficient.

Then Mr. *Richard Goodenough* was called, who being ſworn, depoſed that being in compaay with *Mr. Bateman* (to the beſt of his remembrance) at the *Kings-Head* Tavern in St. *Swithings-Alley* near the *Royal-Exchange*, and having ſome Diſcourſe about the intended Inſurrection, and of *Wade* and others that had engaged to promote it. Mr. *Bateman* not only *approved of the Deſign, but promiſed to uſe his Intereſt in raiſing men; and not only to be aſſiſting in the Diviſion allotted him, but in ſurpriſing the* City, Savoy, *&c. and in driving the Guards out of* Town. To this he objected, that he was not at the *Kings-Head* with *Goodenough*, to which *Mr. Goodenough* replyed, *He had not ſworn poſſitive to the place, though he verily believed that was the place; but however, as to the Diſcourſe and Words then ſpoken by Mr.* Bateman *he was poſſitive.*

The Evidence being thus full againſt *Mr. Bateman*, and he liberty granted him to make what defence he could, he deſired that Sir *Robert Adams* might be heard, in relation to a falſe report the ſaid Mr. *Lee* had raiſed of S[illegible] *Robert* and others, and Sir *Robert* being in Court, gave Evidence that there had been a report abroad ſaid to be raiſed by *Mr. Lee*, that he (*viz.*) Mr. *Lee had beaten three Knights, and that Mr.* Lee *had came to him and asked his Pardon, acknowledging the thing in it ſelf was altogether falſe.*

To the ſame purpoſe Sir *Simon Lewis* was called, but appeared not.

Ames Child being called by Mr. *Bateman*, to teſtifie his knowledge of Mr. *Lee*; and being asked what he could ſay againſt him, Declared, *That he knew nothing to the contrary, but Mr.* Lee *was an honeſt man.*

One *Baker* being called by Mr. *Bateman*, to teſtifie that Mr. *Lee* would have ſubborned him againſt him to his prejudice, ſome Years ſince, of which he had made an *Affidavit* before Sir. *William Turner*, and the ſaid *Baker* not then appearing in Court, he deſired Sir *William Turner* to give ſome account of *Baker*'s Examination, which he ſaid Sir *William* had taken, but it being above two Years ſince, Sir *William* declared, *He could not charge his memory with any of the Particulars contained therein.*

Mr.

Mr. *Tompkins* Sir *William Turner*'s Clerk being called, and asked what he could say concerning any Examination of *Baker*'s taken before Sir *William*, that related to *Lee*; he said, *there was an Examination taken* Anno 1683. *wherein Mr.* Lee *was mentioned*; *but to the best of his Remembrance it was returned before the King and Council, and he could not give any account of the Particulars.*

Then Mr. *Bateman* desired to know upon what Statute he was Indicted, and was informed by the Court, That *the* Treason *wherewith he stood charged, was Comprehended within the 25th.* of Edward *the 3d. and the 13th of* Car. 2. *by* Overt-Act; and having little more to say in his own Defence. After a favourable hearing of all he had materially to offer, and his Son having been allowed by the Court to assist him, in looking over his Notes, and calling his Witnesses, by reason he through sickness pretended himself incapable. Then the *Lord Chief Justice* of the *King*'s-*Bench* Sum'd up the Evidence at large, and omitted nothing that might be for the advantage of the Prisoner, whereby the matter was fairly, fully, and clearly left to the Jury; and thereupon Mr. *Bateman* was taken from the Bar, after which, the other Prisoners being called and Tryed, and the Jury ready to go forth to consider of their Verdict, Mr. *Bateman*'s Daughter came in and besought the Court, *that* Baker, *whom she said she had found out, might be heard against Mr.* Lee, but Mr. *Lee* being gone, and the Tryal already over, the King's Council opposed it, unless *Mr. Lee* could be found (which he Could not be at that time) and the Court having deliver'd their Opinion that it was not convenient to examine any Witness after the Jury had received their Charge, it being a very ill president and of dangerous Consequence; yet some of the Jury desiring it, the Court to prevent any Objections that might be made, consented, and *Baker* had leave to speak, whose Evidence was, *that being in Company with Mr.* Lee, *some time in the Year* 1683. *and discoursing about divers matters, he bad him go to the sign of the* Peacock, *and to the* Angel *and* Crown, *to a* Chirurgeon, *and a* Linnen-Draper *whom he named, the former of which he remembred to be the Prisoner, and to insinuate himself into their Company and discourse them*; *and when he demanded of Mr.* Lee *to what end he should do it, or about what he should discourse them, he told him it might be about State Affairs, and by that means he would find a way to make him a great man*; *and when he excused his attempting to intrude into such Company as was above him, he being but a Shooe-maker, Mr.* Lee *told him he knew that, he kept Company with such, and such men, and why could he not as well do it with those he had mentioned,* and of this he said his Examination was taken before Sir *William Turner*; but this being nothing to the purpose, but was rather looked upon as a Design, *Mr. Lee* had to make a discovery of the Conspiracie, if he could have procured further Evidence to have Corroborated his own, and *Baker* being looked upon as a broken Fellow and that he lodged near the *Sessions House*, and yet came not in before though often called, the consideration of the whole matter was left to the Jury, and an Officer being sworn to attend them went out, and after about half an hours debating that, and what else was before them, gave in their Verdict, *that* Charles Bateman *then at the* Bar, *was Guilty of the* High-Treason *as laid in the Indictment*, which Verdict was accordingly Recorded, and the Prisoner re-conveyed to *Newgate*; and being again brought to

Justice-

Juſtice-Hall, on *Friday* the 11*th.* of *December*, in order to receive Sentence; and upon holding up his hand, being asked *What he could ſay for himſelf, why the Court ſhould not give Judgment againſt him according to the* Law: *He deſired to know whether Mr.* Goodenough *was fully pardoned, and was told, that as for the Out-lawrey he was pardoned, and that his Pardon had been allowed and approved of in that Court, and in the Court of* King's-Bench, *and for any thing elſe he was not Proſecuted*: Then he ſaid *his Opinion was altogether for Monarchy, and that he hoped he ſhould have an Advocate with the King* but; had nothing more material to offer.

Then *Mr. Recorder*, after having ſpoke ſeveral things in aggravation of that great Crime, whereof, after a fair and favourable Tryal, he was Convicted; adviſed him not to flatter himſelf with hopes of Life, and thereby delay his Repentance neceſſary for his future happineſs, pronounced the Sentence, which was, *That he ſhould return to the place from whence he came, from thence be drawn to the place of Execution, there to be hang'd by the Neck, and whilſt alive be Cut down, and his Bowels to be taken out and burnt; his Head to be ſevered from his* Body, *and his Body divided into four Parts, and that his Head and Quarters be diſpoſed of, at the Pleaſure of the King.*

Upon this, he prayed a Divine might have leave to come to him, as likewiſe his Relations, which being allowed he departed the Court, and was on *Friday* the 18*th.* of *December*, Executed at *Tyburn* according to Sentence.

FINIS.

The

The *Substance* of the Tryal of of *John Holland*, and *William Davis*, who were Tryed and committed, for Conspiring against, and falsely imprisoning *William Chancey*, *Citizen* and *Mercer* of *London*, at *Justice-Hall* in the *Old Bayly*.

On the 10*th*. of *December*, 1685.

UPon an Indictment found against *Edward Hays*. *William Price*, *John Holland*, and *William Davis*, for Conspiring against, violently Assaulting, and forcibly Imprisoning, for the space of six hours the Person of *William Chancey*, *Citizen* and *Mercer* of *London*, against his will, and without any warrentable Cause, whom they falsely Charged with uttering divers Treasonable Words, to extort from him a Sum of money, *&c.*

John Holland and *William Davis*, were brought in the Custody of the Keeper of *Newgate*, to *Justice-Hall* in the *Old Bayly*, where upon their Arraignment they pleaded not Guilty, and desired their Tryal might be delayed, seeing they were not prepared to make their Defences, and were thereupon taken from the Bar, but on the 11*th*. of *December*, 1685. the Lord Mayor, *Mr. Recorder*, Sir *Henry Tulse*, and other Aldermen, being present they were brought up a second time, and ordered to look to their Challenges, but making no Exceptions the Jury was Sworn, *viz.*

John Meridale	*Edward Hemstead*
Benjamin Boltby	*Robert Longland*
John Baly	*Samuel Bishop*
Thomas Barns	*James Fern*
Richard Bromfield	*William Wheatly*
Samuel Linn	*Thomas Phelps*

The Indictment being read a second time, the Council for the King opened the Nature of the Fact, of which the Prisoners stood accused in all it's unparralled Circumstances, and then to proceed to Swear Mr. *Chancey*, who gave Evidence, that on *Saturday* the 28*th*. day of *November* last, he was informed that a Boy had been sent from the *King*'s-*Arms* Tavern in *Lawrence-Lane London*, about Four of the Clock in the Afternoon, to let him know that there were two Gentlemen that desired to speak with him, whereupon he went, and being shewed where they were, found them to be *Hays* and *Holland*, the former of which he had some small Acquaintance with, he having been once a Citizen, but as

for the latter at that time he knew him not. *Hays* after a Complement had passed, desired to speak with him in private, but *Holland* whom *Hays* called Captain *Holland*, was somewhat against it, saying, *they might speak what they had to say in his presence*, but in the end he retir'd, when *Hays* in a melancholy Tone, cryed out, *O! Mr.* Chancey *I am the unfortunatest man alive, for being the other day in the Company of the Captain, I chanced to let fall some words said to be spoken by a Merchant in* London, *which proved to be* Treason, *and with which I am charged, and am now a Prisoner to the Captain, and therefore am obliged to produce you as my Author*; upon this Mr. *Chancey* being a little surprized, as not knoing to what it might tend; and not being conscious of any thing of that Nature, replyed, *He had never spoken any treasonable Words, and that he knew not what he meant*, whereupon as probable it had been agreed, *Holland* came in and demanded of *Hays*, *if that was the person*, meaning Mr. *Chancey*, *that had spoke the words*, to whom *Hays* replyed he was: At which *Holland* told him *He was his Prisoner, and must go with him to* White-Hall, *before the Secretary of State*; then Mr. *Chancey* demanding ing to see his Warrent, he told him *He was a Captain of the Guard*, and that a Captain of the King's Guard had power without a Warrant to seize any person for High-Treason, with which he was charged; then Mr. *Chancy* desired to send for some friends, but *Holland* would not hearken to that, telling him he must instantly go with him out of the damn'd Factious City, as he term'd it, but withal that he would call at the *Crown* Tavern without *Temple-Bar*; whereupon they stopping in *Cheapside*, Mr. *Chancey* found an opportunity to send a person to his Brother, to let him understand what had happened, and that he was going to *White-Hall*, but should stay at the *Crown* Tavern, and thither he desired he would come to him, and all the way as they were going, *Holland* railed and curs'd *Hayes*, that he being one of his Majesties Servants, should be such a Villan as to conceal Treason, but *Holland* understanding that Mr. *Chancy* had sent for his Brother, and fearing the business might be discovered, would not suffer him to stay at the *Crown* Tavern nor send word where they were gone, but caused the Coach to drive to the *Fountain* Tavern in the *Strand* being nigh the *Savoy*, where he said he could have several Files of Musquettiers to secure him if need required, and there it was that after some threats of Soldiers, Messengers, and Imprisonment, and Execrable Oaths that he wou'd run him through if he offered to make an escape: *Hays* began to tamper with him, letting him know that the business yet might be hush'd up by stopping the Captain's mouth with a Sum of Money, since none but he could detect it; but finding him absolutely averse to it, and whilst they were thus discoursing, word was brought up to *Holland* that there were two of his Kinsmen that would speak with him, and accordingly they were brought in and we were ordered to take no notice of the business in hand; they discoursed of the Rebellion in the *West*, he took them to be *Welsh*, for the same time (as he guessed) they talked that Language; they being gone, and he not willing to give any money, to *White-Hall* we must go; but Mr. *Chancey* observed that *Holland* paid two Reckonings for a Company in the House then present, beside their own; when we came to *White-Hall-Gate*, *Hays* cryed, and stamped, and desired for God's sake we might not go in, for if we should, he and his family were certainly ruin'd, for he had

had two places at Court worth Eight hundred pounds, and he ſhould looſe them both, beſides being Pis'd upon by every body if this matter ſhould come publick, therefore deſired we might go to the *Swan* Tavern in *Weſtminſter*, which accordingly we did, there they both argued that it would be for both our Intereſt to comply with the Captain in his propoſal beforementioned, that is, to give *Holland* Two hundred pounds, for that it was in His Breaſt alone at preſent, but if we ſhould be carryed before a *Secretary*, or put to the hands of a *Meſſenger*, it would be then out of his power; but Mr. *Chancey* ſtill perſiſted that he would not give any thing, whereupon to *White-Hall* we muſt go (ſays *Holland*) in order to be Examined, and then the ſaid *Hays* declared that I was the perſon, which the Merchant ſhould ſay ſpoke thoſe Words; however he was never brought before any body, albeit he was carryed to ſeveral places in *White-Hall* for that: *Holland* pretended the *Secretary* was buſie; but after ſome ſtay, he ſaid he would deliver us into the hands of a *Meſſenger* which he was informed was at the *Fountain* Tavern in the *Strand*, whom (as he pretended) he had ſent for when we were there before, and accordingly thither he carryed us; but there being no *Meſſenger*, he then ſayed he would ſend for one, and accordingly Mr. *Chancey* thought that *Halland* had ſent for one, but *Hays* and he ſtill continued their perſwaſions to give two hundred pounds, but finding him unwilling to give any thing, Captain *Holland* draws up a pretended Information of High-Treaſon againſt him only, which being done, word was brought that two of the Gentlemen that were in Company with them the laſt Night were in the houſe; *Holland* deſired them to come in, *Hays* in the mean time called *Mr. Chancey* aſide, and ſtrongly perſwaded him to comply with the Captains demands, ſaying, that if he had not money enough, he would prevail with the Captain to take his Bond, and that he himſelf would be bound with him, and then he would be no more than One hundred pounds out; however the two perſons being come in, and as was afterwards inform'd, one was *Mr. William Davis*, and the other Mr. *William Price*, whereupon Mr *Holland* reads the Information to them, which he had juſt before written, and told him that *Price* was a *Barriſter*; then *Price* did affirm that the words were High-Treaſon, and perſwaded him to comply, ſaying, it was the beſt hundred pounds that ever he parted with in his life, adding if he were innocent, that the delays, the neglect of his buſineſs, and the charges would amount to a greater ſum; likewiſe *Davis* that came in with him, perſwaded him to it alſo, and *Holland* ſwore he would ſend him to Priſon without carrying him before a Juſtice of Peace; and added, that one *Delawne* had been in *Newgate* for ſeveral Years and never knew for what, and that he was like to lye there as long as he lived, and that *Corniſh* was hanged for only hearing a Treaſonable *DECLARATION* read, and that his Guilt was greater, having ſpoken words at length, finding by their Diſcourſe they would ſtick at no Oath for intereſt, or revenge, and knowing it was *Sunday* Morning, and not knowing what manner of men he had to deal with, nor what they might ſwear falſely againſt him, tired by hurrying him up and down as aforeſaid, and ſomewhat affrighted with their menaces at the reiterated importunity of *Hays*, who pretended himſelf to be in the greateſt Conſternation imaginable, for fear the buſineſs ſhould come to light, and in hopes to be rid

of

of his dangerous Company, that he might at leasure consider better what he had to do; he consented to enter in to a Bond with *Hays* in the Penalty of 400*l.* for the payment of 200, and the Bonds to be made to *Holland*; but this would not be accepted till he farther consented to sign a Warrant of Attorney, to confess Judgment upon the Bond. This being concluded upon, *Holland* sent his Foot-boy to call up Mr.---- a Neighbouring *Scrivener* to make the Writings, it being then between Two and Three of the Clock on *Sunday* Morning, *Who was very unwilling to rise at so unseasonable an hour*; but being told there were divers Gentlemen at the *Fountain* that must needs speak with him, to draw some Writings upon an urgent occasion, he at last went, and there found *Holland*, *Hays Davis*, *Price*, and Mr. *Chancey*, and that the Instructions were ready drawn up, which he took into his own Note-book, and so went home to draw up the Writings, where he had not been long e'r *Price* came to him, and told him that he must Date the Bond any day in *Trinity Term* last, the business so requiring, whereupon he Dated it the 21*th.* of *June*, so that it became payable the next day after it was signed. This the *Scrivener* ignorant of the Consideration thinking pretty hard, and that a Judgement was to be confessed upon it without a Defeazance, made some scruple to do it; but *Price* assuring him it was so agreed for sundry Reasons best known to themselves, he brought the Writings, and spared not to say as much in the Company, but Mr. *Chancey* not contradicting it the Bonds were signed, but the Warrents of *Attorney* being purposed, he scrupled to sign it, and whispering *Holland* in the Ear, said, *What need this, will not my Bond suffice*? but he and his Accomplices crying out, *Are not we agreed*? *Is it not so agreed*? &c. and *Hays* without bogling signing on his part, *Mr. Chancey* with some Reluctancy did the like, and then the *Scrivener* proposing it was convenient to have Releases to Bar any former Consideration for which the Bond might be given, they willingly assented to it, and it was signed by *Holland* bearing Date before the Bond, whereupon the *Scrivener* was discharged, and *Mr. Chancey* had leave to go about his business, and then *Mr. Chancey* further deposed that on *Monday the* 30*th.* of *November*, *Holland* sent his Foot-boy with a Note directed to *Mr. Chancey*, at his house in St. *Lawrence Lane*, informing him that he had a present occasion for 20 *l.* and that he must needs furnish him with that Sum, as likewise with Silk to make him a Cap, a Night-Gown and a pair of Slippers, promising to use him very kindly in the payment of the rest, and to take out part of it in Wares, which was confirmed by the Foot-boy being sworn, but *Mr. Chancey* by this time being better advised, and finding it was a Cheat, and understanding by the *Boy* where his *Master* was, under pretence of furnishing him with the money and goods he had sent for, found means to secure him; who being carried before a Judge, was upon the Oath of Mr. *Chancey* Committed to *Newgate*, and *Price* being soon after taken, was Committed to the *King*'s-*Bench* and afterwards together with *Hays* was bailed to appear at the *King*'s-*Bench*, as it was suggested to the Court. To this *Holland* pleaded he only took the Bonds to oblige the Partys to appear before the Secretary of State, and that he did it to save himself harmless, there being no Consideration why Mr. *Chancey* should be otherwise obliged to him, and that he had

made

made his report of the matter to a perſon of Quality, who told him he had over done his buſineſs.

Davis pleaded that he was ignorant of the matter as to the contriving of it, and only came in by chance as he was going to his Lodging that was near the *Fountain Tavern*, and was deſired to ſtay as a Witneſs to the Writings; whereupon *Holland*'s Foot-boy being ſworn, gave Evidence, that he had ſeen *Davis* paſs through the *King's-Arms Tavern* in St. *Lawrence-Lane*, when his Maſter and *Mr. Hays* were above with Mr. *Chancey*, and farther that he had after that been to look for him to come to his Maſter. This Objection being anſwered, he proceeded to intimate that *Mr. Chancey* was a diſaffected perſon, and that *Hays* had affirmed he heard him ſpeak theſe words, *viz. That the Rebellion in* Scotland *was no Rebellion, but a mere trick to get money, or to that effect*; whereupon Mr *Chancey* called ſeveral worthy perſons to teſtifie his Behaviour, and firſt Sir *Edward Waldon* with whom he had ſerved his time, who declared that he had all along behaved himſelf civilly and modeſtly, and that he ever looked upon him to be a very Loyal Perſon, and well affected to the Government; adding, that he had been ſo faithful a Servant, that he could not enough commend him.

Sir *Robert Adams* being deſired to teſtifie his knowledge on this occaſion, declared, that he had known him many years, and that he always took him to be a very honeſt Loyal man.

Mr. *Brough*, the fore-man of the Grand Jury for *London*, teſtified the ſame as did ſome others of known *Loyalty* and *Integrity*; ſo that the Jury receiving the Charge by *Mr. Recorder*, in which all was moſt exactly ſummed up that had been ſworn againſt the Priſoners, *&c.* and the Defence they had made for themſelves, they withdrew, and within the ſpace of half an hour gave in their Verdict, that *John Holland* and *William Davis* were Guilty of the Conſpiracie, Aſſault, and falſe Impriſonment, as laid in the Indictment.

THE

TRYALS

OF

John Holland, *William Davis* and *Agnes Wearing*, for a Felony and Burglary: Committed in the Houſe of Mr. *Leonel Gatford*, Miniſter in *Lyme-ſtreet*, on the 11*th.* of *September*, 1685.

John Holland and *William Davis*, were a ſecond time Indicted for a Felony and Burglary, Committed in the Houſe of Mr. *Leonel Gatford* of *Lyme-ſtreet London*, in the Pariſh of St. *Dionis Back-Church*, on the 11*th.* of *September* laſt, together with *Agnes Wearing*, as acceſſary, before and after the Felony and Burglary committed; The Goods layed in the Indictment were Sixteen ſilver Spoons, Nine ſilver Porrengers, Four ſilver Salts, Three ſilver Pots, Two ſilver Plates, Five ſilver Candleſticks, a ſilver Skimer, Four ſilver Boxes, One ſilver Tanckard, One ſilver Ladle, Six Diamond Rings, Twenty plain Rings, and other Plate of value; Thirty Guineas, Forty pounds in Silver, *&c.* In all upward in value of Three hundred Pounds: To which Indictment, the Priſoners having ſeverally Pleaded not Guilty, put themſelves upon the Jury for their Tryals.

The Jurors were

John Wakley,	*Gilbert Eaſt*,
George Reeve,	*Martin Simpſon*,
Joſhua Sabin,	------*Maſters*,
Richard Jagman,	*Robert Stevens*,
Richard Auſtin,	*Richard Newſtrop.*
Job Harris,	*Thomas Oliver*,

The Jury Sworn and the Indictment a ſecond time read, Mr. *Gatford*, gave Evidence, that about ſix of the Clock in the Afternoon, going to Prayers and leaving his Wife and his Maid in his houſe (which Maid was *Agnes Wearing*) and returning about Eight of the Clock the ſame Evening, found his houſe rifled and his Wife much abuſed; the things mentioned in the Indictment, *&c.* Being at that time ſtolen.

Mrs. *Gatford* gave Evidence, that On *Friday* the 11*th.* of *September*, about Five or Six a Clock at Night, in the abſence of her Husband, ſome body knocking at the Door, ſhe ſent *Agnes Wearing* (the Priſoner at the Bar, being her Maid) down to ſee who it was, and ſhe returning, told her it was a Gentleman would ſpeak with her, ſhe then deſired he would

ſend

ſend up his Name and Buſineſs, but the Maid replyed he had a Letter for her, which he ſaid he muſt deliver to her hand, however ſhe told her ſhe would not ſee him till ſhe knew his Name, but whilſt they were diſcourſing concerning it, a Perſon came up Stairs with both ends of his *Wig* in his mouth, and made as if he would preſent her with a Letter, but ſhe ſeeming ſhye, and telling him he was a ſtranger to her; he let go the ends of his *Wigg*, and ſwearing a great Oath that he was a great ſtranger to her, and clapped his hands upon her Throat and Neck, ſaying he wanted money; Commanded her on pain of Death not to make any Noiſe; and whilſt this happened, he heard her maid cry out ſoftly, Thieves, Thieves; and then taking up her upper Coat, he drew it over her Head, and ſo tyed it with her hands in it, calling as loud as he durſt, *Jack, Jack, why don't you come up Jack?* but he making as if he ſtay'd below to ſecure the maid, he cryed *Damn her for a Bitch, Shoot her, Cut her Throat, what is her Life worth?* Which Mrs. *Gatford* takin g to be in earneſt, beſought them *For Gods-ſake not to kill her maid*; however *Jack* ſoon came up Stairs, whereupon he that firſt ſeized Mrs. *Gatford*, Commanded her to tell where the money was, who replyed, *She had none but what was in her Purſe*: Then he asked where her Purſe was, ſhe ſaid *in her Pocket, then pull it out ſaid he*, but her Hands being within her Coats, ſhe told him ſhe could not, whereupon he ſaid he would take it out, which he doing, and then laying her on her Face with dreadful threats, that if ſhe ſtirr'd—— They went directly to the place where the money was, altho' in a very private place; as alſo to the Glaſs-Caſe of Plate: The firſt they had ſome difficulty to find, and were once about to go away without it, but one of them knocking a Board in the Cloſet that was to draw up heard it chink, and ſo by force wrenching it up, they took the money before-mentioned, and other things not named: Having gotten their Prey, they told Mrs. *Gatford* She *muſt go down into the Celler*; to which ſhe replyed *She could not ſee the way*, then he that came up firſt lead her, and when ſhe was on the Top of the Stairs bid her take her firſt ſtep, which ſhe did, and immediately ſlipp'd down to the Bottom, and did the like on the Top of the Celler Stairs; being below they bound her to a Partition, and brought down *Agnes Wearing*, whom they bound likewiſe and ſet her by her, but ſo looſe that ſhe might eaſily have unbound her ſelf; near her likewiſe they laid a piece of *Red Damask*, wherewith *Wearing* pretended they had blinded her, and ſo charging them not to ſtir for half an hour, nor make any noiſe, under the pain of being ſhot or run through; (for as they ſaid, they would ſtay half an hour to obſerve them) and having plunder'd the Houſe they departed with their Booty: When as Mrs. *Gatford* hearing all ſtill, and imagining as much, bid her maid (who by this time had gotten her ſelf pretty well at liberty) to cry out which ſhe feigned to do, but with ſo low a Voice, as ſhe was ſure ſhe could be heard by none, and therein excuſed her ſelf through the fear ſhe conceived of having her Throat Cut if they ſhould happen to return; however, ſhe got ſo much her liberty, that ſhe untiy'd her miſtreſs, and then pretnded that her hands were tyed over her Head, which when her Miſtreſs went to help her, ſhe found the ſame was ſo looſe that ſhe could eaſily have untyed her ſelf.

The Robery being thus Committed that Diſcovery might the better be made: It was for ſome days kept a little private, for who were

the Robers was not as yet known to Mr. *Gatford* nor his Wife; and because one Mr. *Hamlin*'s Evidence on this occasion was rare and unusual corroberating and confirming that which was more positive.

Mr. *Hamlin* being called and sworn for the King, deposed that sometime before the Robery, going with a French Merchant to a *Musick-House* near *Moor-Fields* to look for a *Laundress* who had pawn'd one of his Cravats, that he might perswade her to tell him where it was, and he thereby have the opportunity of Redeeming it: Having found the Party whilst his Friend was discoursing her, he retired and went down into the *Musick-Room*, and sat him down by *Agnes Wearing* (whom he then knew not) accompanyed only with an Old Woman, which made him press himself into her Company and pass some Complements on her; she being well habited, and making such a suitable Return, he earnestly desired to know what she was, she thereupon told him *He was mistaken in the Person he addressed himself to, for that she was but a Cook-Maid*; and when he found she made some difficulty in believing it, because she was better habited than might well consist with such an Employment, she told him, *That he might go along with her and be satisfied*, to this he consented, and went with her and the Old Woman as far as *Houndsditch* where the latter turned off: From thence *Agnes Wearing* went with him through *Bishops-Gate*, and so to her Masters House in *Lyme-street*, and shewing him the Kitchen and all its Furniture, demanded, *If he was confirmed in what she said, and some other words having passed, she desired him not to stay at that time, least Notice should be taken of it, but if he would take any other opportunity to send for her, either to Ale-house or Tavern, she would come to him*, and so they parted.

About two days after the Robery was Committed, Mr. *Hamlin* being one Evening upon the *Exchange* with a *Scotchman* a Friend of his, his Friend asked him, *If he knew not where to spend an hour or two that dull Evening*, to which he replyed, *He had a new Mistress whose Conversation was very taking, and who had invited him to pay her a visit*, and so proceeded to tell him the whole Story, whereupon they agreed to go thither; and it being somewhat dark Mr. *Hamlin* left his Friend at a distance, and knocked at her Masters Gate, holding (to be the less known if any body else should open it) the ends of his *Periwig* in his mouth; (the Posture the party came in that first seized Mrs. *Gatford*:) Scarce had he knocked twice when *Agnes Wearing* opening it, and not being capable of discerning who he was; but supposing him to be the Person he was not, fell to pushing him back, and as one in an extraordinary surprize, cryed out, though somewhat low, *O! Mr.* Davis *what do you do here, will you ruin your self and me? there is a great ado about the Robery, and I would not have you appear here this Month: Is the Plate secure? Have you shared the Money? Is Mr.* Holland *safe?* and having said these Words, (to which Mr. *Hamlin* conceiving some Robery had been Committed made her a suitable reply;) She thrust him to be gone and shut the Gate. This Mr. *Hamlin* told to his Friend and divers others, and heard soon after of the Robery that had been Committed, and advised with several, whether he should acquaint Mr. *Gatford* with what he had heard; but some alledging he might bring himself into trouble if he had no better ground for it, or no more to testifie than what he had heard

heard, whereupon he forbore it a Month or thereabouts; after that he met *Agnes Wearing* in *Moor-Fields* with *Holland's* Foot-boy after her, and began to renew his former Acquaintance with her, but at first she seemed strange and would not know him, till he remembred her of several passages that had been between them, and then she told him, *She was fearful of lying alone, and that she was going into* Spittle-Fields, *to get her Sister to lye with her*; for it seems she then was come from her place. This would not satisfie him, but he would needs drink with her; so after having taken a View of *Bethlehem*, and dismissed the Boy, they went to a House near *Moor-Gate*; and there he told her how she had mistaken him such a Night, and what he had heard her speak and observed, whereupon she began to excuse it and to change Colour, and in the end Confessed, *She was mistaken, but that there was nothing in it*, or to that effect, and so they parted. Mr. *Hamlin* not long after acquainted Mr. *Gatford* what he heard from *Agnes Wearing*, and *Holland* having had Notice of this from the said *Agnes*, went to take up the said *Hamlin*, for charging him falsely with the said Robery: Then *Margaret Harris* being Sworn, said that she went to live with one Madam *Walton*, who lodged then at one Mr. *Canes* in *New-street* as her hired Servant about the middle of *August* last, and that on or about the beginning of *September*, *Davis*, *Holland*, and one *Bishop*, were together at the *Dog-Tavern* in, or near, *Newgate-street* with her Lady (for so she called her) & another Woman, which she since believes was Mr. *Gatfords Maid*, making very merry there; and that about the middle of the same month of *September*, she was sent out by her Lady to find out one *Mr. Price*, but not finding him she returned to her Lady, & found *William Davis*, whom she often had seen there before, near her Closet Door, and one *Hampton* sitting in the Room behind the Door, and she then going near to her Lady, to give her an Account of her Errand, looking over her shoulder, saw *Davis* take out of his Pocket a great handful of Rings; a great part of which were mourning Rings, and from amongst them gave her Lady a Diamond Ring, soon after which, *Davis* and *Hampton* went away together; and then her Lady said to her, *Margaret, see here what a fine Ring Mr.* Davis *hath given me*, which she then looked upon, and observed the same to be a Diamond-Ring with seven Stones, in the middle one having a flaw therein fill'd up with Silver; and thereupon told her Lady that she wondered she would take it of him, for that he was a Clipper, a Shop-lifter, and a very ill man, and therefore to be suspected that he had stolen it; to which her Lady replyed, that she did not care if he Robbed all the Shops in Town, so that he maintained her handsomely; upon which she replyed, she doubted she would bring her self into trouble by it, and was sorry for it; upon that, her Lady was very angry with her, and gave her a Box on the Ear, and bid her meddle with her own business. About three or four days afterwards, her Lady sent her to her Daughters, one Mrs. *Stanly*, at one *Foots* a Barber in *Blow-Bladder-street*, over against the *Dog-Tavern* before-mentioned, to borrow some money of her; where when she came, she found her a Bed, & gave her then an account of her business, who told her she had no money; whereupon she asked her if she had the *Gazette*, upon which, Mrs. *Stanly* told her she had, and there was a great Robery Committed, mentioned therein, and showed it to her; who read it, and found a Diamond-Ring with seven Stones, and other Descriptions

according to what ſhe had obſerved in the Ring ſhe ſaw *Davis* give to her Lady therein mentioned to be ſtolen, with ſeveral other Rings, whereupon ſhe ſaid, that Ring which *Davis* had given to her Lady, was the Ring therein mentioned; and that ſhe believed that *Davis* and *Holland* (for that ſhe found them often together concerned in many Crimes) had Committed the Robery, and asked *Mrs. Stanelys* Advice, whether ſhe had not beſt write a Letter, and put it into the *Penny-Poſt*, to give *Mr. Gatford* an account of it; *Mrs. Stanely* replyed, ſhe believed it to be true, but if ſhe ſhould do it without her *Mothers* conſent, ſhe would go nigh to kill them both; whereupon ſhe went back to her Lady, and carried the *Gazette* with her, and told her what diſcourſe had paſſed between her and her Daughter concerning the Ring, and gave her the *Gazette*, and ſhewed her the place where the Robery was mentioned, and told her of her Daughters, and her intentions, but ſhe was very angry thereat, and called them a couple of Bloody Bitches, and asked whether they had a mind to dip their hands in innocent Blood, and beat this Deponent, and Tore all the Cloaths off her Head, and gave her a blow on the Face, and made her Noſe bleed; but it ſo happened, that a Night or two afterwards ſhe apprehended her Lady was in a better humour, and therefore deſired again that ſhe would permit the Ring to be produced to the *Miniſter* that was Robbed, believing it to be his Ring, and offered that ſhe ſhould have the Ten Pounds; but her Lady refuſed ſo to do, and then collogued with her, and was very kind to her, and offered her Ten Pounds not to be concerned any more about it, and promiſed to keep her like a Gentlewoman whilſt ſhe lived with her; and if ſhe married ſhe would give her Five hundred Pound, and if ſhe continued with her till ſhe dyed, ſhe would give her Fifty Pound a Year, for One & Twenty Years; to all which, ſhe anſwered very little; but abouta Fortnight afterwards on a *Sunday*, *Davis* came and demanded the Diamond Ring of her Lady, which this deponent adviſed her privately, not to let him have; however he ſate down by her Lady on the Bed-ſide, with his hand upon his Knee, and whilſt he was diſcourſing ſhe obſerved a large plain Gold Ring upon his Finger, which ſhe with his leave took off to look upon, much commending it, and deſiring that he would give it her, and looking upon it and the Poſie, which was, *God above increaſe our love*; ſhe read the ſame aloud, in the preſence and hearing both of her Lady and the ſaid *Davis*, upon which ſhe told *Davis* it was a good Poſie, and ſince he had promiſed to get her a Husband, he would do well to give her that Ring againſt ſhe got him, but he would not, whereupon ſhe gave it him again, but did not obſerve that her Lady did let him have the Diamond Ring again; but after he was gone, ſhe ſaid to her Lady, *what think you now Madam, is it not true that* Davis *and* Holland *robbed the Parſon, for this is the Ring, and the Poſie I read to you in the other Ring is the ſame poſie, both mentioned in the* Gazette; whereupon her Lady (as formerly) was very angry with her; but about two or three Nights afterwards, *Davis* and one *Harriſon* came into her Ladys Chamber, and ſiting down, *Davis* pulled forth a handful of Guineas and other pieces, upon ſight of which, her Lady ſaid, Mr. *Davis* when will you ſend me in ſome------ *Davis* replyed, and ſwore a great Oath, that next Week he would ſend her in a Butchers Tray full; whereupon ſhe ſaid to Mr *Harriſon*, we ſhall have Guineas enough to Thatch a Houſe: And after they were

gone

gone, ſhe deſired leave of her Lady, that ſhe might go and diſcover this vvhole matter, otherwiſe miſc hef might come of it, but her Lady vvould not let her go; and one day in the morning early, ſhe deſired the maid of the Houſe to call her as if ſome perſon would ſpeak vvith her, intending by that means to have got out to make the Diſcovery, vvhich the maid did; and vvhen ſhe vvas going, her Lady lept out of her Bed and ſtopt her, and beat her very much and locked her up, pretending ſhe had got the Ring, and then ſoon after favvned upon her, letting her knovv that ſhe had accuſed her unjuſtly, and repeated her former promiſes to her, to engage her to the contrary: *Hovvever*, tvvo days aftervvards being in *October*, on a *Wedneſday* in the Seſſions Week; ſhe again deſired to go forth, to deliver a Letter for her Father, but her Lady ſuſpecting ſhe would go tell Mr. *Gatford*, charged her not to do ſo upon her Salvation, and withal ſwore her upon a *Maſs-Book*, that ſhe ſhould not tell Mr *Gatford*, by which compliance ſhe got leave to go forth, and then went immediately to her Siſters, at Madam *Armatages* in *Crain-Court* in *Fleet-ſtreet*, and informed them both, of all thoſe paſſages; and adviſed with them, whether ſhe might diſcover it notwithſtanding her Oath, who did adviſe her to go forthwith to *Mr. Gatford* and diſcover the whole matter, which ſhe accordingly did the ſame day, and afterwards went back to her Lady, and ſtay'd with her tho' in great danger, and under much dread; being often told by her Lady, that they would do her a miſchief; till the day before her Lady was taken and ſent to the *Compter*, out of which ſhe was ſoon after Bailed; and further ſaith, that ſhe ſaw her Lady have the ſaid Ring in her Boſome the day before ſhe was taken, and often heard her ſay that ſhe would through it down the Houſe of Office before it ſhould be diſcovered: When ſhe had done, then *Mr. Recorder* asked her, where was that *Madam Walton*, ſhe had ſo often mentioned in her Evidence? To which, ſhe anſwered that ſhe was there, (pointing up to the Gallery) amongſt ſeveral other Ladys and Women: Whereupon Mr. *Recorder* order'd an Officer to go up immediately and wait upon her down, and thereupon ſhe was brought into Court, (very richly habited) and pretended ſhe was an *Iriſh* Earls Daughter, and a Woman of Quality; however ſhe was committed to Priſon upon the Evidence that had been given, and an Indictment order'd to be preferr'd againſt her, and perſons bound to Proſecute the ſame, which afterwards was accordingly done, and the Indictment found, and there was a Letter likewiſe given in Evidence againſt *Holland*, which *Holland* own'd to be his hand, and was wrote to *Agnes Wearing*, & did mention things relating to this buſineſs; and then *Holland*'s Foot-boy was called and Sworn, who teſtified that he had been often ſent on meſſuages by his Maſter to *Agnes Wearing*, and by that means was inſtrumental in having her taken by diſcovering the Lodging that his Maſter had often provided for her, tho' ſhe had ſhifted them divers times, and being in Cuſtody upon hearing that *Davis* and *Holland* were taken, ſhe cry'd out we are all concerned, and hoped they ſhould live and dye together, for ſhe was reſolved ſhe would live and dye with them.

This being the Subſtance of the Evidence given againſt the Priſoners at the Bar: They were then asked by the *Recorder* every one of them ſingly, what they had to offer in defence of themſelves againſt this great Crime. Thus as it were miraculouſly made out againſt them, *Davis*

endeavoured to make it appear, that he had bought the Diamond Ring and as for the Weddiug-Ring, there were few Goldsmiths Shops, that afforded not Rings with the like *Posie*, and did produce a person in Court, of whom he had bought a Diamond-Ring, but it was about Nine Months since, and the same did appear to be another manner of a Ring, and disposed of before the Robery was committed, and the Ring he had given to his mistress consequently could not be the same, then he called Persons to discredit *Margaret Harris*, by alledging her unjustness, and amongst others, a mistress with whom she had formerly lived, who instead of accusing her of Dishonesty, gave her a good Character. *Holland* alledged malice in Mr. *Hamlin*, and that Mr. *Gatford* had brib'd his Foot-boy, but the former not appearing, and the Boy upon Oath declaring the contrary, that Mr. *Gatford* had indeed promised him two Guineas to discover the Lodging of *Agnes Wearing*, the which when he had done, he would not give it him till the Tryals were over, lest the Prisoner should construe that as a Bribe, to induce him to Swear against them; and having nothing more material to offer further in their Defence, *Agnes Wearing* insisting upon her innocence.

Mr. Recorder Sum'd up the Evidence to the Jury, very particularly, and at large, and more especially after he had repeated *Hamlin's* Evidence given against *Holland* (which he observed was their most difficult parts, for that generally what one Prisoner saith of another is not Evidence) yet as this Case is, they might consider the occasion that moved *Agnes Wearing* to speak what she did, it being without any Compulsion, or any thing laid to her charge at that time she could not speak it out of any by Ends, or dread, but merely upon a mistake and surprise, apprehending it was *Davis*, because of his appearing to her in the same posture as *Davis* was in, when he seized upon Mrs. *Gatford*, and then it was very plain by the whole course of the Evidence, that *Holland*, *Davis*, and *Wearing* were all well acquainted, and their familiarity began much about the time, when this Fact was Committed, and they both very fond of her, but *Holland* more especially, he using all Diligence to take care of her, and conceal her, by providing several Lodgings for her in by places, and what was testified against *Davis* and *Agnes*, and what she confessed to *Hollithorn*, made it plain if they did give credit to the Witnesses; so that upon the whole matter, he left it to them, whether they would find all or any, and which of the Prisoners Guilty or not Guilty of this Crime, whereof they stood charged within the Indictment.

Whereupon, the Jury after they were withdrawn some time, came in, and found them all three Guilty of the Indictment; and *William Davis* and *Agnes Wearing*, were Executed on *Wednesday* following, and *Holland* Reprieved.

This may be Printed, R. L. S.
January *the 9th*: 1685.

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